THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No. 16600 of 2006

DATED: 11-08-2006

Between:

Badugu Manikyam.

..Petitioner.

and

Phase-II Election Officer to choutuppal gram Panchayat,
Choutuppal Mandal, Nalgonda District and others.

..Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.16600 of 2006

ORDER:

This writ petition is filed for a writ of mandamus declaring the action of 1st respondent in not following the mandatory procedure prescribed for recounting of votes under Rule 35(2) of the Andhra Pradesh Panchayat Raj Conduct of Elections of Members and Sarpanch of Gram Panchayat, Zilla Parishad Rules, 1994 (for short 'the Rules') as illegal and consequently, direct the 1st respondent to recount the votes polled in favour of all the contesting candidates and declare the results in writing and pass such other suitable orders.

2. Sri V.V.Prabhakara Rao had taken notice to get instructions and the instructions obtained by him are placed before this Court. It is stated that the State Election Commission had published the election programme on 09-07-2006. As per the said election programme, the date of filing of nominations was fixed on 15-07-2006, the last date for filing nominations was fixed on 19-07-2006, the date of scrutiny of nominations was fixed on 20-07-3006 from 11-00 AM onwards and the last date of withdrawal was fixed on 23-07-2006. It is stated that four

persons including the petitioner contested to the post of Sarpanch, Choutuppal Gram Panchayat. The main grievance of the petitioner is that when recounting of votes was prayed for, recounting of all candidates should have been done and further, a written order is expected to be passed and the same to be served. Virtually, what is being contended is that Rules 35(2) and (3) of the Rules had been violated. It is needless to say that these are all contravention of the Rules and the petitioner is having a remedy by way of election petition, if he is so advised.

3. With the above observation, the Writ Petition is disposed of. No order as to costs.

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P.S.NARAYANA,J

Dated:11-08-2006

sj